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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,445	06/23/2003	Arpan A. Desai	MSFT-1791/304064.1	7709

41505 7590 01/25/2006

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PHILADELPHIA, PA 19103

EXAMINER
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GORTAYO, DANGELINO N

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/601,445

Applicant(s)

DESAI ET AL.

Examiner

Dangelino N. Gortayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/23/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/09/03 3/16/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-15 are pending

### ***Specification***

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. The background section, in line 2, contains a hyperlink. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim refers to a system, but lacks any tangible hardware, memory, input/outputs, and sources. The claim refers to the method of claim 1, which is disclosed as software, with no reference to hardware. Proper correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 5-7, 9, 10-12, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nasr et al ("Nasr" US # 6,882,995 B2).

As per claim 1, Nasr discloses "a method of communicating with an application" (see Abstract)

"the system receiving from the application, one or more calls to set one or more compile parameters and commands for converting one or more input queries to an XML intermediate language representation" (column 3 lines 10-18 wherein the compiler receives queries and converts it to an abstract query language)

"and the system receiving from the application, one or more calls to convert the XML intermediate language representation to an executable query" (column 3 lines 58-

65 wherein the abstract query language is transformed into query engine instructions to be executed).

As per claim 2, Nasr discloses "the application receiving from the system one or more of the group consisting of event status, progress status, intermediate results, final results, error messages, warnings and help messages" (column 4 lines 7-14 wherein progress status, intermediate results, and final results are received from the engine).

As per claim 5, Nasr discloses "the XML intermediate language representation is a semantic representation of an input query" (column 3 lines 26-33 wherein the abstract query language represents the input query).

As per claim 6, Nasr discloses "converting the XML intermediate language to the executable query comprises preparing the XML intermediate language for direct execution in a target query execution engine" (column 3 lines 24-41 wherein the engine takes the abstract query language and returns query results and continuation states, for execution).

As per claim 7, Nasr discloses "converting the XML intermediate language to the executable query comprises converting the XML intermediate language into a target representation using a target generator" (column 6 lines 50-67 wherein the abstract query language is converted into query engine instructions using the query compiler and is analogous).

As per claim 9, Nasr discloses "A system for the construction of executable queries utilizing the method of claim 1 for communicating with an application" (figure 5 and column 9 lines 28-34).

As per claim 10, Nasr discloses "A system for compilation and execution of input queries producing query results" (see Abstract)

"an input device for receiving an input query" (column 3 lines 10-13)

"one or more intermediate language compilers wherein an XML intermediate language representation is compiled from the input query" (column 3 lines 13-16)

"one or more target generators wherein the XML intermediate language representation is transformed into one or more target representations forming a target query" (column 3 lines 26-33 wherein the abstract query language is transformed into query engine instructions)

"one or more data sources for querying over" (column 11 line 65 – column 12 line 5)

"and an execution engine wherein the target query is executed over the one or more data sources to produce the query results" (column 3 lines 31-41 wherein query results and continuation states is output by the Query Engine Abstract Machine)

As per claim 11, Nasr discloses "the input query comprises a query formed from one or more of XPath, XSLT, and XQuery languages" (column 6 lines 32-46 wherein the XSL specification is used for transformation, of which XSLT stems from).

As per claim 12, Nasr discloses "the XML intermediate language representation expresses the meaning of the input query" (column 3 lines 58-64 wherein the abstract query language comes from the input query).

As per claim 14, Nasr discloses "the one or more data sources comprise one or more of relational data sources and non-relational data sources" (column 4 lines 4-6 and lines 63-65 wherein data is stored in relational databases or in memory).

As per claim 15, Nasr discloses "non-relational data sources comprise spreadsheets and word processing documents" (column 10 lines 31-56)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nasr et al ("Nasr" US # 6,882,995 B2) in view of Wynblatt et al. ("Wynblatt" US # 6,961,728 B2).

As per claim 3, Nasr discloses "the one or more calls to set one or more environment, compile parameters and compile commands" (column 3 lines 24-33 wherein the query engine accepts calls for compile parameters). Nasr does not disclose "comprise one or more of enabling message reception from the system, specifying query permission and execution restrictions, selecting the input query and compiler type, and establishing evaluation contexts". Wynblatt discloses "comprise one or more of enabling message reception from the system, specifying query permission and

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execution restrictions, selecting the input query and compiler type, and establishing evaluation contexts” (column 19 lines 7-31 wherein a Just-In-Time compiler allows user to create functionality that establishes query parameters and is analogous). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Nasr’s method of query evaluation and execution with Wynblatt’s message processing for parameter in programs. This gives the user added control in query processing. The motivation for doing so would be to provide the user with more efficient, sophisticated, and flexible query capabilities and techniques.

As per claim 4, Nasr discloses “the compiler type comprises XPath, XSLT and XQuery language compilers” (column 6 lines 32-46 wherein the XSL specification is used for transformation, of which XSLT stems from).

Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nasr et al (“Nasr” US # 6,882,995 B2) in view of Kiernan et al. (“Kiernan” US # 6,934,712 B2).

As per claim 8, Nasr discloses “the target representation” (column 6 lines 32-39). Nasr does not disclose “is one or more of the group consisting of an XML language target, a SQL language target and an intermediate language target”. Kiernan discloses “is one or more of the group consisting of an XML language target, a SQL language target and an intermediate language target” (column 7 line 59 – column 8 line 6 wherein an XML language target, SQL queries, and the intermediate language are generated from the intermediate representation, which stems from input queries). It would have



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been obvious at the time of the invention for one of ordinary skill in the art to combine Nasr's method of query evaluation and execution with Kiernan's grouping of intermediate representation consisting of an XML language target, a SQL language target and an intermediate language target. This gives the user added control in query evaluation. The motivation for doing so would be to query data as XML for increased performance.

As per claim 13, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 8 and is similarly rejected.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Silberberg et al. (US # 6,957,214 B2)

Bata et el. (US # 6,901,403 B1)

Dettinger et al. (US # 6,954,748 B2)

Chen et al. (US # 6,766,330 B1)

Marron et al. (US # 6,901,410 B2)

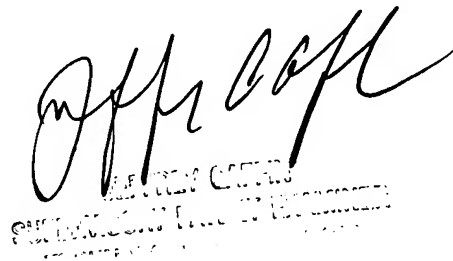
Tijare et al. (US # 6,950,815 B2)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dangelino N. Gortayo  
Examiner



The block contains a handwritten signature in black ink, which appears to read "D. Gortayo". Below the signature is a circular official stamp. The text within the stamp is partially legible but includes "ELECTRONIC BUSINESS CENTER" and "U.S. PATENT AND TRADEMARK OFFICE".